



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re:

Westborough SPE LLC

Debtor

Chapter 7
23-40709-CJP

ORDER

MATTER:

#838 Motion filed by Creditor Lolonyon Akouete to Reconsider Re: 837 Order dated 7/31/2025 Re: 831 Supplemental Motion filed by Creditor Lolonyon Akouete for Comfort Order.

DENIED. THE MOTION FOR RECONSIDERATION DOES NOT RAISE ADDITIONAL MATERIAL INFORMATION OR OTHER INFORMATION THAT WAS NOT ALREADY CONSIDERED THE CONTEXT THE ORIGINAL ORDER THAT WOULD DEMONSTRATE THAT THE COURT MADE A MANIFEST ERROR OF LAW OR FACT. *SEE IN RE WEDGESTONE FIN.*, 142 B.R. 7, 8 (BANKR. D. MASS. 1992) (CITATIONS OMITTED).

THE COURT DECLINES TO ENTER THE REQUESTED "COMFORT ORDER" AS IS WITHIN ITS DISCRETION TO DO. THE MOVANT ARTICULATES A POSITION THAT CERTAIN FUNDS IN THE POSSESSION OF THE ESTATE ARE NOT ESTATE PROPERTY AND THAT A STATE COURT JUDGMENT IN AN ACTION THAT HE IS PROSECUTING OR INTENDS TO PURSUE WILL "SERVE AS A BASIS" FOR A FUTURE MOTION IN THIS COURT. THE COURT WILL NOT ATTEMPT TO DECIPHER THE CONTOURS OF THE POTENTIAL ACTIONS OF THE MOVANT IN STATE COURT LITIGATION IN CONSIDERING A "COMFORT ORDER."

IF THE MOVANT PURSUES CLAIMS IN STATE COURT, THE MOVANT MUST BE MINDFUL OF THE AUTOMATIC STAY. THE TRUSTEE AND OTHER PARTIES IN INTEREST MAY FILE WHATEVER MOTIONS MAY BE APPROPRIATE WITH THIS COURT IF THEY BELIEVE AN ACTION VIOLATES THE AUTOMATIC STAY OR INTERFERES WITH ADMINISTRATION OF THE BANKRUPTCY ESTATE. THE MOVANT SUGGESTED IN THE UNDERLYING SUPPLEMENTAL MOTION THAT RESULTED IN THE ORDER THE MOVANT SEEKS

RECONSIDERATION OF THAT HE MAY FILE A COMPLAINT AS A "PLACEHOLDER," PRESUMABLY BECAUSE OF STATUTE OF LIMITATIONS CONCERNS. FILING A COMPLAINT AND SEEKING A STAY OF FURTHER PROCEEDINGS OR NOT TAKING FURTHER ACTION, COULD SERVE TO ADDRESS CONCERNS THAT HAVE BEEN RAISED IN CONNECTION WITH THE MOVANT'S COMFORT ORDER REQUESTS.

[Dated: 08/05/2025](#)

By the Court,

A handwritten signature in black ink, appearing to read "Christopher J. Panos". The signature is fluid and cursive, with a large initial "C" and "P".

Christopher J. Panos
United States Bankruptcy Judge